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10/720,034	11/21/2003	Ryan W. Battle	MS1-1709US	2546
22801 12/11/2008 LEE & HAYES, PLLC 601 W. RIVERSIDE AVENUE SUITE 1400 SPOKANE WA 99201			EXAMINER	
			DAILEY, THOMAS J	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Application No. Applicant(s) 10/720.034 BATTLE ET AL. Office Action Summary Examiner Art Unit Thomas J. Dailey 2452 -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS. WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on 12 September 2008. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-11.13-15.17-30.32 and 33 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) _____ is/are allowed. 6) Claim(s) 1-11, 13-15, 17-30 and 32 is/are rejected. 7) Claim(s) _____ is/are objected to. 8) Claim(s) _____ are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are; a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abevance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s)

1) Notice of References Cited (PTO-892)

Notice of Draftsperson's Patent Drawing Review (PTO-948)

Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _______.

Interview Summary (PTO-413)
 Paper No(s)/Mail Date.

6) Other:

5) Notice of Informal Patent Application

Application/Control Number: 10/720,034 Page 2

Art Unit: 2452

DETAILED ACTION

1. Claims 1-11, 13-15, 17-30, 32, and 33 are pending in this application.

Response to Arguments

- The applicant's filed amendments have alleviated the 35 U.S.C. 101 and 112 second paragraph rejections of claims 15-29 and those rejections have been withdrawn.
- Applicant's arguments filed September 12, 2008 with respect to the prior art rejections have been fully considered but they are not persuasive.
- 4. The applicant argues with respect to claim 11 that Gazetta (US Pub No. 2004/0083297) fails to disclose "an instant message service connection request from a user, wherein the connection requested is to a publicly-accessible (public) IM service." Specifically contending Gazetta discloses only enterprise IM services and collections of enterprise IM networks, therefore Gazetta does not disclose a public IM service.
- 5. The examiner disagrees. Gazetta discloses a instant message service connection request from a user, wherein the connection requested to a publicly-accessible (public) IM service ([0037], lines 4-8, an authentication server (gateway server) of an enterprise instant messaging service receives an

Application/Control Number: 10/720,034 Page 3

Art Unit: 2452

authentication request; further Gazetta in [0026] and [0044] provides for interoperability between enterprise services and public instant messaging service and [0039]-[0040] discloses the forwarding authentication request to additional services (i.e. since Gazetta discloses that one of the services is a public instant messaging network, Gazetta discloses forward a connection request to a publicly-accessible IM service)).

- 6. The applicant argues with respect to claim 1 that the combination of Tock (US Pub. No. 2006/02742241) in view of Gazetta fails to disclose "a publicly-accessible IM service receiving via a client application, a request from a user to connect to the public IM service." Specifically, the applicant contends, "Tock presents a way to connect to a variety of resources that are hosted on a private network from a client that is hosted on a public network is categorically distinct from the problem of connection from a private network to a public one as presented by the instant application. Therefore, the solution provide by Tock to connect from a public network to a private resource are not equivalent to the recited claims in the instant application.
- 7. The examiner disagrees. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., connecting a private network to a public one as presented by the instant application) are not recited in the rejected.

Application/Control Number: 10/720,034

Art Unit: 2452

claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Specifically, claim 1 recites, the IM public service receiving via a client application a request from a user to connect to an email;

the IM public service determining that the user is associated with a particular domain; and

based on a determination that the user is associated with the particular domain, the public service redirecting the request to an email gateway server that is associated with the domain ([0051], lines 9-21, user accesses mail server (Fig. 1B, label 168) associated with a private network).

That is claim 1, deals with public to private, not private to public as the applicant contends.

- 8. The applicant argues with respect to claim 15 that the combination of Gazetta in view of Tock fails to disclose the claimed invention as Gazetta does not teach a public IM service and Tock does not disclose a "publicly-accessible" service, because only authorized users are able to connect and use the services disclosed in Tock.
- The examiner disagrees. See above paragraph 5, in regards to Gazetta disclosing a public IM service. Further, Tock discloses a publicly-accessible

service (Abstract, "access can be provided through a public network using a standard browser"). While in Tock a user must be authenticated, the service is still provided publicly. In regards to the instant application, a public IM service is on such as MSN Messenger. Such services, provided over a public network also require user authentication (a user must subscribe, enter user ID and password etc.) as well. Therefore, the interpretation that Tock provides a public service is maintained.

Claim Rejections - 35 USC § 102

10.The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 11. Claim 11 is rejected under 35 U.S.C. 102(e) as being anticipated by Gazzetta et al (US Pub. No. 2004/0083297), hereafter "Gazzetta."
- 12. As to claim 11, Gazzetta discloses a method comprising:
 - receiving at a gateway server, a public instant message (IM) service connection request from a user, wherein the connection requested is to a

Application/Control Number: 10/720,034

Art Unit: 2452

publicly-accessible (public) IM service ([0037], lines 4-8, an authentication server (gateway server) of an enterprise instant messaging service receives an authentication request; further Gazetta in [0026] and [0044] provides for interoperability between enterprise services and public instant messaging service and [0039]-[0040] discloses the forwarding authentication request to additional services (i.e. since Gazetta discloses that one of the services is a public instant messaging network, Gazetta discloses forward a connection request to a publicly-accessible IM service));

the gateway server verifying that the user is authorized to access the gateway server ([0037], lines 4-8);

the gateway server verifying that the user is authorized to participate in public IM communications ([0038], lines 10-15 and [0039], lines 7-17, authentication server (gateway server) verifies via the service provider (through a series of exchanges) that the user is authorized to connect with the service provider (public IM communications)).

modifying the public IM service connection request to include data that identifies the gateway server ([0038], lines 5-12);

and forwarding the public IM service connection request to a public IM service ([0038], lines 5-12).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

- 14. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tock et al (US Pub. No. 2006/0242241), hereafter "Tock," in view of Gazzetta.
- 15.As to claim 1, Tock discloses a method by a publicly-accessible (public) service comprising:

the public service receiving via a client application a request from a user to connect to an email service ([0051], lines 7-13, intermediary server (provides public service as it is available over the Internet, Fig. 1B, label 158) receives request from user to access resources (resources including email Fig. 1B, label 168):

the public service determining that the user is associated with a particular domain ([0051], lines 13-17); and

based on a determination that the user is associated with the particular domain, the public service redirecting the request to an email gateway server that is associated with the domain ([0051], lines 9-21, user accesses mail server (Fig. 1B, label 168) associated with a private network).

But, Tock does not disclose the public service is an IM public service and the email gateway server is an IM gateway server.

However, Gazzetta discloses associating a public IM service with enterprise IM services that includes linking enterprise IM accounts with public IM accounts ([0026]) thereby allowing enterprise users to chat with users on both their own enterprise IM network and the public IM network ([0026], lines 14-16).

Therefore the combination of Tock and Gazzetta would have been obvious because as one of ordinary skill in the art would view email and instant messaging as analogous arts (in that they both deal with electronic communication between users and involve the communication of primarily text based messages) and as a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. Specifically, as Tock discloses allowing access to private email accounts over a public network (Tock, Abstract), and Gazzetta discloses linking public IM accounts with private IM accounts (Gazzetta, [0026]), the combination would yield a system to access private IM accounts via a public IM service and would led to anticipated success (as Gazzetta discloses access to a public IM service via a private IM service, the converse would have been obvious and successful in view of Tock's disclosure

Application/Control Number: 10/720,034

Art Unit: 2452

of such a system in regards to email) brought about not by innovation, but of ordinary skill and common sense.

16. As to claim 9, Tock discloses a method implemented by a publicly-accessible (public) service service comprising:

the public service receiving a user request to connect to an email service ([0051], lines 7-13, intermediary server (provides public service as it is available over the Internet, Fig. 1B, label 158) receives request from user to access resources (resources including email Fig. 1B, label 168);

the public service determining a domain associated with the user request ([0051], lines 13-17); and

the public service accessing domain-specific policy data associated with the domain (Fig. 5 and [0064], requests must be approved based on established access privileges);

in an event that the domain-specific policy data indicates that connection requests associated with the domain are not allowed, the public service denying the request to connect to the public service based on the domain specific policy data (Fig. 5, labels 504 and [0064]);

But, Tock does not disclose the public service is an IM public service.

However, Gazzetta discloses associating a public IM service with enterprise IM services that includes linking enterprise IM accounts with public IM accounts ([0026]) thereby allowing enterprise users to chat with users on both their own enterprise IM network and the public IM network ([0026], lines 14-16).

Therefore the combination of Tock and Gazzetta would have been obvious because as one of ordinary skill in the art would view email and instant messaging as analogous arts (in that they both deal with electronic communication between users and involve the communication of primarily text based messages) and as a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. Specifically, as Tock discloses allowing access to private email accounts over a public network (Tock, Abstract), and Gazzetta discloses linking public IM accounts with private IM accounts (Gazzetta, [0026]), the combination would yield a system to access private IM accounts via a public IM service and would led to anticipated success (as Gazzetta discloses access to a public IM service via a private IM service, the converse would have been obvious and successful in view of Tock's disclosure of such a system in regards to email) brought about not by innovation, but of ordinary skill and common sense.

17. As to claim 2, Gazzetta discloses:

the public IM service identifying a user ID associated with the request ([0039], lines 4-7);

the public IM service determining a domain associated with the user ID ([0039], lines 4-7); and

the public IM service determining that requests for connections to the public IM service from users associated with the domain are to be redirected ([0041], lines 16-19).

- 18. As to claim 3, Gazzetta and Tock disclose determining a redirection address associated with the domain, the redirection address being associated with the IM gateway server; and transmitting a transfer command to a client application from which the request was received, the transfer command indicating the redirection address to which the request is to be submitted (Tock, [0051], lines 7-20, as the intermediary server connects client applications to email server's redirection address is present).
- 19.As to claim 4, Gazzetta and Tock disclose the invention substantially with regard to the parent claim 3, and further disclose where the redirection address comprises at least on of an IP address (Tock, [0051], lines 7-20, as the intermediary server connects client applications to email server's redirection address is present).

20. As to claim 5, Gazzetta and Tock disclose the invention substantially with regard to the parent claim, and further disclose the redirection address further comprises a port number (Tock, inherent [0051], lines 7-20).

21. As to claim 6, Gazzetta discloses:

the public service receiving via the client application another request to connect to the public IM service, the request being from the user and including an identifier that indicates that the request is being submitted from an IM gateway server that is associated with the domain ([0039], lines 1-7); and establishing through the IM gateway server, a connection between the public IM service and the client application ([0039], lines 7-17).

22. As to claim 7, Gazzetta discloses:

the public service receiving instant message communications from the user through the IM gateway server ([0006], lines 1-7); and

the public service transmitting instant message communications directed to the user to the IM gateway server ([0070], lines 1-8).

- 23. As to claim 8, it is rejected by the same rationale set forth in claim 1's rejection.
- 24. As to claim 10, Gazzetta and Tock disclose:

in an event that domain specific policy data indicates that connection requests associated with the domain are to be redirected, the public IM service redirecting the request to connect to the public IM service based on the domain specific policy data (Tock, [0051], lines 7-20).

- 25. Claims 15, 17-26, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gazzetta in view of Tock.
- 26.As to claim 15, Gazzetta discloses a system comprising at least one processor, at least one computer readable memory, the system configured to facilitate:

 a publicly-accessible (public) service instant message service configured to enable public instant message communications between two or more users ([0036], lines 11-13 and Fig. 2, label 210 the service provider (public instant messaging service), wherein the public instant message service comprises:

 an instant message connect domain store configured to store domain names that identify domains for which instant message service connection requests are to be redirected ([0039], lines 1-7); and

a dispatch server comprising a processor and memory, with instruction encoded on the memory, the instructions when executed by the processor direction the dispatch server to perform a method, the method comprising:

receiving a connection request, wherein the connection request represents a request submitted by a user through an instant message

client application ([0038], lines 1-12 and [0039], lines 1-2);

instant message gateway server ([0039], lines 1-7; further [0037], lines 4-8, discloses an authentication server of an enterprise instant messaging service receives an authentication service; further Gazetta in [0026] and [0044] provides for interoperability between enterprise services and public

determining whether the connection request is being received via an

instant messaging service and [0039]-[0040] discloses the forwarding authentication request to additional services (i.e. since Gazetta discloses

that one of the services is a public instant messaging network, Gazetta

discloses forward a connection request to a publicly-accessible IM

service));

store: and

Gazzetta does not disclose:

in an event that the connection request is not being received from an instant message gateway server, determine whether the connection request is from a user associated with a domain identified in the instant message connect domain

in an event that the connection request is from a user associated with a domain identified in the instant message connect domain store, issuing a transfer Application/Control Number: 10/720,034

Art Unit: 2452

command to the instant message client application, the transfer command including a redirection address.

However Tock discloses:

a public service ([0051], lines 7-13, intermediary server (provides public service as it is available over the Internet, Fig. 1B, label 158) comprising:

an connect domain store configured to store domain names that identify domains for which email service connection requests are to be redirected ([0051], lines 11-21, "private corporate networks" would have their own domains and thus the connection request goes the mail server);

a dispatch server configured to:

receive a connection request from a user ([0051], lines 7-13, intermediary server (provides public service as it is available over the Internet, Fig. 1B, label 158) receives request from user to access resources (resources including email Fig. 1B, label 168);

in an event that the connection request is not being received from an gateway server, determine whether the connection request is from a user associated with a domain identified in the connect domain store ([0051], lines 7-13, intermediary server receives user request from application (i.e. not from a gateway server) and will connect user to private network if authorized); and

in an event that the connection request is from a user associated with a domain identified in the connect domain store, issuing a transfer command to the client application, the transfer command including a redirection address ([0051], lines 7-20, as the intermediary server connects client applications to email server's redirection address are present).

Therefore the combination of Tock and Gazzetta would have been obvious because as one of ordinary skill in the art would view email and instant messaging as analogous arts (in that they both deal with electronic communication between users and involve the communication of primarily text based messages) and as a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. Specifically, as Tock discloses allowing access to private email accounts over a public network (Tock, Abstract), and Gazzetta discloses linking public IM accounts with private IM accounts (Gazzetta, [0026]), the combination would yield a system to access private IM accounts via a public IM service and would led to anticipated success (as Gazzetta discloses access to a public IM service via a private IM service, the converse would have been obvious and successful in view of Tock's disclosure of such a system in regards to email) brought about not by innovation, but of ordinary skill and common sense.

- 27.As to claim 30, it is rejected by the same rationale that was set forth in claim 15's rejection.
- 28. As to claim 17, Gazzetta and Tock disclose the invention substantially with regard to the parent claim 16, and further disclose the instant message connect domain store is configured to store at least one or an instant messaging ID/Key pair (Gazzetta, [0039], lines 1-7).
- 29. As to claim 18, Gazzetta and Tock disclose the invention substantially with regard to the parent claim 16, and further disclose a connection server configured to establish and maintain a connection between the instant message service system and the user through an instant message gateway server (Gazzetta, [0041], lines 16-22).
- 30. As to claim 19, Gazzetta and Tock disclose the invention substantially with regard to the parent claim 16, and further disclose a switchboard server configured to route instant message communication data received from and directed to the user (Gazzetta, Abstract).
- 31.As to claim 20, Gazzetta discloses the public IM service further comprises an enterprise-specific data log configured to store data associated with public IM

communications directed to or from a user associated with a particular enterprise ([0070], lines 1-3 and [0006], lines 1-3).

- 32. As to claim 21, Gazzetta discloses data log is implemented as a component of an enterprise network that is separate from the public instant message service ([0070], lines 1-3 and [0006], lines 1-3).
- 33.As to claim 22, Gazzetta discloses the data log is implemented as a database ([0070], lines 1-3).
- 34. As to claim 23, Gazzetta discloses an enterprise instant message gateway server configured to manage public instant message conversations in which an enterprise user participates ([0006], lines 1-7).
- 35. As to claim 24, Gazzetta discloses the public instant message service is further configured to verify that the gateway server is a valid gateway server associated with an enterprise with which the user is associated ([0039], lines 1-7).
- 36. As to claim 25, Gazzetta discloses:

request a connection to the public instant message service on behalf of the enterprise user ([0039], lines 1-4); and

route instant message conversation data between the public instant message service and the enterprise user (10006), lines 1-7).

- 37. As to claim 26, Gazzetta discloses the enterprise instant message gateway server is further configured to generate a log of the instant message conversation data (10070), lines 1-3).
- 38. Claim 13-14, 27-29, and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gazzetta and Tock as applied to their parent claims above, and further in view of what was well known in the art at the time of the invention.
- 39.As to claim 13, Gazzetta does not explicitly disclose the verifying comprises examining data stored in an enterprise policy and configuration data store.

However, Gazzetta does discloses the advantages of enterprise management with regards to instant messaging ([0006], lines 1-7) and to one of ordinary skill in the art at the time of the invention it would be obvious to store explicit policies in order to manage the enterprise. Further, Gazzetta system allows communication between the enterprise network and the public IM network it would have been obvious to have policies that manage such interactions. Therefore, Official Notice is taken (MPEP 2144.01) that implementing verification policies in order to

restrict access to the use of the enterprise IM system is an obvious modification done in order to improve the security of the system.

40.As to claim 14, Gazzetta discloses establishing point-to-point communications, enabled through the public IM service ([0021]).

But, Gazzetta does not explicitly disclose determining if the user is authorized to participate in point-to-point communications (aside from a general verification to use the system as a whole) and further if they are not authorized, altering the connection request to indicate such.

However, it would have been obvious to one of ordinary skill in the art at the time of the invention to make such modifications given the purpose of Gazzetta's invention ([0006], lines 1-7) and what is known and practiced in the art, i.e. restricting uses of resources in an enterprise network. Therefore, Official Notice is taken (MPEP 2144.01) that explicitly preventing point-to-point communications in order to improve security of the system is an obvious modification.

41. As to claims 27 and 28, Gazzetta does not explicitly disclose multiple gateway servers, distributed across an enterprise network, where users are routed to the nearest server in order to establish connections. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to have multiple distributed IM authentication servers, especially if the enterprise network was a large network, as this is a common practice. Therefore, Official Notice is taken (MPEP 2144.01) that using a known practice (distribution of servers in order to improve response times) is an obvious modification of Gazette's system.

- 42.As to claim 29, it is rejected by the same rationale set forth in claim 13's rejection.
- 43. As to claim 32, Gazzetta and Tock disclose the invention substantially with regard to the parent claim, and but do not explicitly disclose denying connection requests for users not associated with a domain and denying connection requests for a user whose is associated with a unauthorized domain.

However, it would have been obvious to one of ordinary skill in the art at the time of the invention to make such modifications to Gazzetta and Tock given the purpose of Gazzetta's invention ([0006], lines 1-7) and what is practiced in the art, i.e. denying connections from suspicious domains or users who have undefined domains as they are security risks. Therefore, Official Notice is taken (MPEP 2144.01) that using a known practice (denying suspicious connection requests) is an obvious modification of Gazette's and Tock's system.

Application/Control Number: 10/720,034 Page 22

Art Unit: 2452

44.As to claim 33, Gazzetta and Tock disclose the invention substantially with regard to the parent claim, and further disclose in an event that the user is not associated with a domain for which connection requests are to be denied: authenticate an identity of the client application through which the user submitted the connection request (Gazzetta, [0037], lines 4-8); and establish a connection between the user and the public instant message service (Gazzetta, [0041], lines 16-19 and [0036], lines 11-13).

Conclusion

- 45. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
- 46.A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Application/Control Number: 10/720,034 Page 23

Art Unit: 2452

47. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Thomas J. Dailey whose telephone number is

571-270-1246. The examiner can normally be reached on Monday thru Friday;

9:00am - 5:00pm.

48. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Follansbee can be reached on 571-272-3964. The fax phone

number for the organization where this application or proceeding is assigned is

571-273-8300.

49. Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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only. For more information about the PAIR system, see http://pair-

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/T. J. D./

Examiner, Art Unit 2452

/Kenny S Lin/

Primary Examiner, Art Unit 2452